

Application No. 09/252,551

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being transmitted via facsimile at (703) 746-3240 to Attn: Kary Fries, Commissioner of Patents and Trademarks, Washington, D.C. 20231, on July 11, 2002.


C. Healion

Applicant : Henry Samueli, et al.
Application No. : 09/252,551
Filed : February 18, 1999
Title : ETHERNET SYSTEM

Grp./Div. : 2663
Examiner : Lec, C

Docket No. : 34176/RJP/B600

COMBINED
PETITION TO REVIVE UNDER 37 CFR §1.137(b),
PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER
37 CFR §1.181(a),
PETITION FOR REFUND OF FEE UNDER 37 CFR §1.26, and
PETITION TO SUSPEND RULES UNDER 37 CFR §1.183

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants became aware that the USPTO determined that the above-identified application became abandoned on June 3, 2002 for failure to pay the issue fee within three months after a second Notice of Allowance and Issue Fee Due was erroneously mailed February 6, 2002.

Applicants draw attention to the fact that the issue fee for the above-identified application was timely paid by July 25, 2001 in response to a first Notice of Allowance and Issue Fee Due mailed July 6, 2001. As the issue fee was timely paid and the second

Application No. 09/252,551

Notice of Issue Fee Due was sent in error by the U.S. Patent and Trademark Office, Applicants believe that they had already fulfilled their obligation regarding the issue fee, and therefore, the entire period of delay was at most unintentional. Accordingly, Applicants hereby petition for revival of the above-identified application as unintentionally abandoned under 37 CFR §1.137(b).

Since the USPTO's holding of Abandonment, Applicants have diligently attempted to resolve the instant circumstances by continuously tracking the status and location of the application file, determining why the USPTO held the application as abandoned, expediting the application when possible and preventing further unnecessary delay. In pursuit of the above-mentioned activities, Applicants' representatives have been in contact with various representatives and departments within the USPTO including the Examiner, the Examiner's supervisor, the USPTO Department of Customer Service, the USPTO Department of Publications and the USPTO Department of Legal Administration/Petitions.

Additionally, Applicants also petition for Withdrawal of Holding of Abandonment under 37 CFR §1.181(a) as Applicants assert that the holding of abandonment for the above-identified application is the result of USPTO error as: (1) the issue fee was timely paid, (2) the second Notice of Allowance and Issue Fee Due was erroneously sent by the USPTO and (3) the USPTO failed to acknowledge the July 2001 issue fee payment even though the issue fee payment is acknowledged/documentated in both the application file and the PTO Patent Application Information Retrieval (PAIR) database. In concert with the Petition for Withdrawal of Holding of Abandonment,

Application No. 09/252,551

Applicants also submit a Petition for Refund of Fee under 37 CFR §1.26 as no fees are due under 37 CFR §1.181(a).

In the event that the Petitions under 37 CFR §§1.26, 1.181(a) are denied, Applicants further petition for a Suspension of Rules under 37 CFR §1.183. In particular, Applicants petition to have all fees required to revive the application, as well as the fee for consideration of this petition under 37 CFR §1.183, be waived. This Petition is appropriate under 37 CFR §1.183 as the instant circumstances are extraordinary in nature and necessary to prevent severe injustice. In view that the USPTO has failed to appropriately and timely issue the above-identified application as a patent despite the fact that Applicants have correctly responded to every paper appropriately issued by the USPTO, and further in view that Applicants timely paid the issue fee almost one year ago, any fees now required by PTO rules would amount to a severe injustice.

In support the above Petitions, Applicants provide evidence that the issue fee was timely paid and that the USPTO mistakenly sent the February 6, 2002 Notice of Issue Fee Due. Specifically, Applicants submit herewith a copy of the first Notice of Allowance and Issue Fee Due mailed July 6, 2001, a copy of an Issue Fee Transmittal dated July 18, 2001, a copy of check #156024 issued by Christic, Parker and Hale to the Commissioner of Patents and Trademarks for \$1,270.00, a copy of an acknowledgement receipt dated July 23, 2001 by the USPTO for the aforementioned Issue Fee Transmittal and check, a copy of the second Notice of Allowance and Issue Fee Due mailed February 6, 2002 and a copy of the file contents history for the above-identified application taken from the USPTO PAIR database.

Application No. 09/252,551

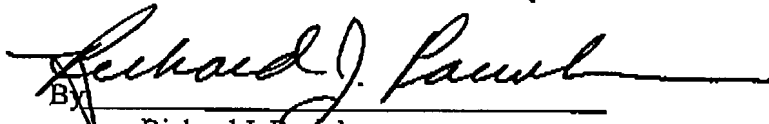
The U.S. Patent and Trademark Office is hereby authorized to charge our Deposit Account No. 03-1728 the amount of \$1,280.00, which is the fee for revival of an unintentionally abandoned application, as set forth in 37 CFR 1.17(m).

The U.S. Patent and Trademark Office is hereby further authorized to charge our Deposit Account No. 03-1728 the amount of \$130.00, which is the fee for a Petition to Suspend the Rules, as set forth in 37 CFR 1.17(h).

To the extent necessary, a Petition for an Extension of Time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 03-1728 and please credit any excess fees to such deposit account.

Respectfully submitted

CHRISTIE, PARKER & HALE, LLP

By 
Richard J. Paefulan
Reg. No. 28,248
626/795-9900

RJP/cah

RECEIVED

JUL 10 2001

Christie, Parker & Hale LLP

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeRJF
NW

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

WM01/0706

CHRISTIE PARKER & HALE LLP
P O BOX 7068
PASADENA CA 91109-7068CASE # 34176 ACTION Issue Fee
REMINDER _____ DUE DATE _____
DEADLINE 10/6/01

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/252,501	02/18/99	116	LEE, C. ... 2663	07/06/01
First Named Applicant	SAMUEL T. 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION: ETHERNET SYSTEM

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2 34176/JWE/B6	370-402.000	297	UTILITY	NO	\$1240.00	10/09/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

YOUR COPY

Received from <626 577 8800> at 7/11/02 2:52:40 PM [Eastern Daylight Time]

N

Notice of Allowability

Application No.

09/252,551

Applicant(s)

SAMUELI ET AL.

Examiner

Andrew Lee

Art Unit

2663

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/12/01.
2. ☒ The allowed claim(s) is/are 1-103, 133-135, 141-144, 147-151, 153 renumbered 104-116 respectively. **CASE 34176 ACTION No formal drawings**
3. ☒ The drawings filed on 2/12/01 are acceptable as formal drawings. **REMINDER DUE DATE DEADLINE**
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☐ Applicant MUST submit NEW FORMAL DRAWINGS
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review(PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No. _____
 (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
 (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____
 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 2 ☐ Notice of Informal Patent Application (PTO-152)
 4 ☐ Interview Summary (PTO-413), Paper No. _____
 6 ☐ Examiner's Amendment/Comment
 8 ☐ Examiner's Statement of Reasons for Allowance
 9 ☐ Other

Chau T. Nguyen
CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

PART B - ISSUE FEE TRANSMITTAL

Complete and mail this form, together with applicable fees, to:

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

JUL 10 2001

Christie Parker & Hale, LLP

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly make-up with any correction or use Block 1)

CHRISTIE PARKER & HALE LLP
P O BOX 7068
PASADENA CA 91109-7068

WMO1/0706

Note: This certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Susanne C. Garcia

(Depositor's name)



(Signature)

July 18, 2001

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/252,551	02/18/99	116	LEE, C 2663	07/06/01
First Named Applicant	SAMUELI,	35 USC 154(b) term ext. =	0 Days.	

TITLE OF INVENTION: ETHERNET SYSTEM

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPL. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2 34176/JWE/86	370-402.000	297	UTILITY	NO	\$1240.00	10/09/01

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.335). One of PTO form(s) and Customer Number etc. recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB122) attached.

☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB147) attached.

2. For printing on the patent (each page), list (1) the names of up to 3 registered patent attorneys or agents OF; alternatively, (2) the name of a single firm (having, as a member, a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Christie Parker & Hale, LLP

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (prior type):
PLEASE NOTE: Unless an assignee is identified below, no assignee claim will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Broadcom Corporation

(B) RESIDENCE (CITY & STATE OR COUNTRY)

Irvine, California

Please check the appropriate assignee category indicated below (will not be printed on the patent):

☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fees are submitted (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee☒ Advance Order # of Copies: 10

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 03-1728

(ENCLOSE AN EXTRA COPY OF THIS FORM)

☐ Issue Fee☐ Advance Order # of Copies:

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signatory)

Reg. No. 78,248

(Date)

07/18/01

NOTE: The Issue Fee will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

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PTO FORM 10-201 (Rev. 10-201) Approved for use without charge. OMB No. 3510-0047

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

CASE NO. & ATTORNEY

CHRISTIE PARKER & HALE
P.O. BOX 7068

156024 16-24
1220

B600-34176/RJP/scg

PASADENA, CALIFORNIA 91109-7068

WELLS FARGO BANK
350 W. COLORADO BLVD.
PASADENA, CA 91105

PAY \$**1,270.00**

NOT VALID IN EXCESS OF \$5,000.00 270064234 170 3502 4024 DATE 07-27-02 10:00:01

TO THE
ORDER
OF



COMMISSIONER OF PATENTS & TRADEMARKS
WASHINGTON, D.C. 20231

Byron C. Alden

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FIRST VIRGINIA BANK
602 ARMY STREET
FALLS CHURCH, VA
12005-5578
P.O. BOX 1134

07-26-02

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07-26-02

07-26-02

PATENT AND TRADEMARK OFFICE

FOR CREDIT TO THE
U.S. TREASURY

PLEASE SIGN AND RETURN TO ACKNOWLEDGE RECEIPT

Title **ETHERNET SYSTEM**Client ID **B600**Case No **30176**Atty/Sec **RJP/SCB**Date Mailed **July 18, 2001**Date Due **Oct. 9, 2001**Cert of Mailing **Yes**Express Mail No **n/s**

Assigned Enclosed (List Assignment)

DOCUMENT TITLE: **Issue Fee Transmittal - Part B** Checked by: **[Signature]**(List enclosures) **1 orig. + 1 copy**

ACKNOWLEDGE HERE

Check enclosed for \$1,270.00 for
payment of issue fee.
☒ PAT ☐ COP ☐ MARK ☐ DBA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20531
www.uspto.gov

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Christie Parker & Hale, LLP

NOTICE OF ALLOWANCE AND FEES DUE

7590 02/06/2002
CHRISTIE PARKER & HALE LLP
P.O. BOX 7068
PASADENA, CA 911097068

CASE #

34176

REMINDER

DUE DATE

EXAMINER

LEE, CHUHOA

ART UNIT

CLASS/SECTION

3563

357-402640

DATE MAILED: 02/06/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/252,551	03/18/1999	NENKY SAMUEL	34176/JWB/R6	4641

TITLE OF INVENTION: ETHERNET SYSTEM

TOTAL CLAIMS	APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
116	comprovisional	NO	\$20	\$0	\$20	05/06/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and mail this form, together with applicable fee(s), to:

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including fee payment orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1. By (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Indicate Legibly mark up with any deletions or additions in Block 1)

7590

02/06/2003

CHRISTIE PARKER & HALE LLP
P O BOX 7068
PASADENA, CA 911097068

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Certificate of Mailing

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)

(City/State)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY SECRET NO.	CONFIRMATION NO.
09/232,551	02/18/1999	HENRY SAMUELI	341763WE86	3641

TITLE OF INVENTION: ETHERNET SYSTEM

TOTAL CLAIMS	APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
136	nonprovisional	NO	\$40	\$0	\$40	05/06/2002

EXAMINER	ART UNIT	CLASS. EX. / CLASS.
LEE, CHIROA	2663	370402000

1. Change of correspondence address or indication of "Fee Address" (PTO Form 1563). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys, ex-agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☐ Issue Fee☐ Publication Fee☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card (Form PTO-2038 is attached).☐ The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Abandonment Statement: This form is estimated to take 11.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, United States Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231.

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TRANSMIT THIS FORM WITH FEE(S)

PTOL-85 (REV. 07-01) Approved for use through 01/31/2004, OMB 0651-0033

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20530
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/252,551	02/18/1999	HENRY SAMUEL	30 (76) WE/B6	4641
7596 02/06/2002 CHRISTIE PARKER & HALE LLP P O BOX 7068 PASADENA, CA 911097068				
EXAMINER				
SEE CHI HQ.A				
ART UNIT		PAPER NUMBER		
1663				

DATE MAILED: 02/06/2002

Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

A reissue patent is for "the unexpired part of the term of the original patent." See 35 U.S.C. 251. Accordingly, the above-identified reissue application is not eligible for patent term extension or adjustment under 35 U.S.C. 154(b).

Notice of Allowability

Application No.

09/252,551

Applicant(s)

SAMUEL ET AL

Examiner

Art. Unit

Andrew Lee

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/20/2001.
2. ☐ The allowed claim(s) is/are _____
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some c) ☐ None of the.
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(e)).
- * Certified copies not received: _____
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE MAILING DATE of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-946) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____
 - (b) ☐ including changes required by the proposed drawing correction filed _____ which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-946) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Richard Paciulan on 2/01/2002.
3. The application has been amended as follows:
Line 1, page 1 of specification:

- CROSS REFERENCE TO RELATED REISSUE APPLICATION

This application (Appl. No. 09/252,551 filed February 18, 1999) and copending continuation Appl. No. 09/620,919, filed July 21, 2000, are each reissue applications of original U.S. Patent Number 5,604,741 (Appl. No. 08/398,759, filed March 16, 1995). -- has been inserted.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

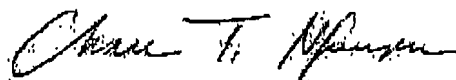
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Art. Unit: 2563

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Andy Lee
February 4, 2002



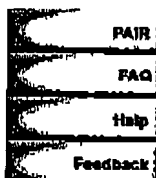
CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800



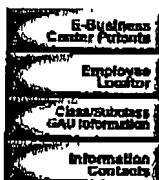
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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Search results for application number: 09/252,551			
Application Filing Date:	02-18-1999	Class / Sub-Class:	370/402.000
Issue Date of Patent:	-	Location:	PUBS - DIRECTOR, PK3-910, 305-8594
Examiner Name:	LEE, CHI HO A	Status:	Abandoned - Failure to Pay Issue Fee
Group Art Unit:	2663	Attorney Docket Number:	34176/JWE/B6
Earliest Publication No:	-	Patent Number:	-
Earliest Publication Date:	-	Customer Number:	-
Confirmation Number:	4641		

Foreign Priority

Continuity Data

File Contents History		
Number	Date	Contents Description
60	06-03-2002	Mail Abandonment for Failure to Pay Issue Fee
59	06-03-2002	Abandonment for Failure to Pay Issue Fee
58	02-18-1999	Workflow - Drawings Finished
57	02-18-1999	Workflow - Drawings Matched with File at Contractor
56	05-24-2002	Receipt into Pubs
55	05-24-2002	Workflow - Query Request - Finish
54	05-23-2002	Application is Considered Ready for Issue
53	05-06-2002	Mailroom Date of Issue Fee Payment
52	05-22-2002	Receipt into Pubs
51	05-21-2002	Workflow - Query Request - Begin
50	02-18-1999	Workflow - Drawings Finished
49	02-18-1999	Workflow - Drawings Matched with File at Contractor
48	05-10-2002	Receipt into Pubs
47	03-08-2002	Workflow - File Sent to Contractor
46	03-08-2002	Receipt into Pubs
45	02-08-2002	Receipt into Pubs
44	02-07-2002	Dispatch to Publications
43	02-06-2002	Mail Corrected Notice of Allowance
42	02-06-2002	Mail Examiner's Amendment
41	02-06-2002	Corrected Notice of Allowance Mailed
40	02-06-2002	Examiner's Amendment Communication
39	07-25-2001	Issue Fee Payment Recorded
38	09-13-1999	Case Docketed to Examiner in GAU
37	07-06-2001	Mail Notice of Allowance
36	07-06-2001	Notice of Allowance Data Verification Completed
35	03-27-2001	Date Forwarded to Examiner
34	03-23-2001	Supplemental Response
33	03-01-2001	Notice of Allowability

32	02-20-2001	Date Forwarded to Examiner
31	02-12-2001	Response after Ex Parte Quayle Action
30	01-17-2001	Mail Ex Parte Quayle Action (PTOL - 326)
29	01-16-2001	Ex Parte Quayle Action
28	01-12-2001	Date Forwarded to Examiner
27	03-20-2000	Amendment after Final Rejection
26	05-16-2000	Information Disclosure Statement (IDS) Filed
25	12-20-2000	Request for Extension of Time - Granted
24	01-03-2001	Date Forwarded to Examiner
23	12-20-2000	Amendment after Final Rejection
22	12-20-2000	Request for Extension of Time - Granted
21	10-06-2000	Case Docketed to Examiner in GAU
20	06-12-2000	Petition Decision - Granted
19	04-03-2000	Statement Filed Indicating a Loss of Entitlement to Small Entity Status
18	04-03-2000	Petition Entered
17	07-24-2000	Mail Final Rejection (PTOL - 326)
16	06-05-2000	Final Rejection
15	04-14-2000	Date Forwarded to Examiner
14	03-23-2000	Supplemental Response
13	03-28-2000	Date Forwarded to Examiner
12	03-20-2000	Response after Non-Final Action
11	03-20-2000	Request for Extension of Time - Granted
10	03-20-2000	Supplemental Papers - Oath or Declaration
9	09-15-1999	Mail Non-Final Rejection
8	09-13-1999	Non-Final Rejection
7	05-20-1999	Case Docketed to Examiner in GAU
6	05-03-1999	Application Dispatched from OIPE
5	04-29-1999	Application is Now Complete
4	03-12-1999	Application Scanned
3	04-06-1999	Notice of Reissue Published in Official Gazette
2	03-09-1999	Incomplete Application under Rule 53(b) - Filing Date Assigned
1	02-26-1999	Initial Exam Team nn

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